

APPENDIX A

02/09/04 Documentation of Waters Delisted or Off-ramped from 1998 303(d) List to Categories other than Category 5 in Maine's 2002 Integrated List.

Waters Delisted to Category 2 - Rivers & Streams, Estuarine and Marine

(Category 2: Attains some of the designated uses; no use is threatened; and insufficient data or no data and information are available to determine if the remaining uses are attained or threatened (with presumption that all uses are attained).)

A total of 12 rivers & streams and 1 estuary are delisted from the 1998 303(d) list to category 2 because new data show these waterbodies are in attainment with regard to the pollutant(s) for which they were listed. Listings were done according to Maine's 2002 listing methodology for category 2 waters (page A-10, narrative 2002 listing report).

# Segments	Waterbodies	Reason
ME0102000513 ME0103000310 ME0103000311 ME0104000210 ME0106000102 ME0106000102 ME0106000203 ME0106000211 ME0106000211 ME0106000211 ME0106000211 ME0106000303	Rivers and Stream segments: 227R01 Mill Stream 323R Messalonskee Str. 334R Cobbosseecontee Str 426R Androscoggin R 603R03 Eddy Brook 603R04 Hatchery Brook 618R Saco R, main stem ... 616R Minor tribs Saco R... 619R02 Saco R (Dayton) 619R03 Saco R. (W. Buxton) 619R04 Saco R. (Bar Mills) 626 Smelt Brook (York)	"New data in attainment." New listing was determined in accordance with ME DEP 2002 integrated listing methodology.
1 (714-20)	Flanders Bay (Northwest End)	"DMR Area 50-D; 9/19/2001 Repealed--open; was on TMDL list in 1998. Listed in 1998 for bacteria, nps; fecal levels were high particularly after storms. A 319 project got cows out of the stream. The bacteria levels became acceptable so DMR was able to [open] the shellfish flats for harvest." (D-71)

Waters Delisted to Category 3 - Rivers & Streams

(Category 3: Insufficient data and information to determine if designated uses are attained (with presumption that one or more uses may be impaired).)

The following 10 waterbodies are delisted from the 1998 303(d) list to category 3 (which also contains 15 new listings), based on “insufficiencies in the original data and information [which] led to the water being incorrectly listed.” (See delisting item 3, page A-13 narrative 2002 listing report; see also June 23, 2003 EPA memorandum to the file for further explanation).

HUC	SEG ID	SEG NAME	Prior listing cause/source Table 1 1998 303(d) list	Prior Listing Table 1 1996 303(d)	Proposed Listing Category 3 2002 integrated list
ME0103000305	316R01	Barker Stream (Farmington)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing. Limited new data indicate attainment.
ME0103000306	314R01	Wesserunsett Stream at Athens	Bacteria/nps New data required	Not listed	Errors or inconsistencies in the original data led to incorrect listing.
ME0103000306	320R01	Carrabassett Stream (Canaan, Skowhegan)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0103000309	329R02	Twelvemile Brook (Clinton)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0103000311	334R01	Mud Mills Stream (Monmouth)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0103000311	334R02	Potters Brook (Litchfield)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0103000312	420R01	Abagadasset River (Richmond, Bowdoinham)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0103000312	335R01	Kimball Brook (Pittston)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0104000209	415R01	Davis Brook (Poland)	DO/nps New data required	no cause/source	Errors or inconsistencies in the original data led to incorrect listing.
ME0106000106	602R03	Concord Gully (Freeport)	DO, Bact/nps	no cause/source	New information inconclusive. Incorrectly listed as Class A in previous 303(d) list. [same in '96]

Waters Delisted to Category 3 - Lakes

(Category 3: Insufficient data and information to determine if designated uses are attained (with presumption that one or more uses may be impaired).)

The following 9 lakes are delisted from the 1998 303(d) list to category 3. ME DEP has more recent data for these lakes that indicate applicable water quality standards are being met, but prefers to list them in category three which has a higher priority for re-assessment (monitoring). For all these previously listed lakes, the lakes have not had blooms for a sustained period (several recent years). EPA concurs that placement in category 3 is a good precaution for continued monitoring to assure that attainment is not a consequence of atypical weather (lake-specific details included in brackets below) [personal communication with Linda Bacon, ME DEP, 4/28/03; 6/18/03]. Consistent with Maine's water quality standards, waters impaired by natural causes are "not considered to be failing to attain their classification" [38 MRSA §464 (4)(C)]. EPA concurs that placement in category 3 ensures more timely monitoring of Etna and Scituate Ponds (both high colored lakes) and of West Harbor Pond (salt water intrusion) .

HUC	Lake Name	Lake ID	Reason for Original Listing	Reason for Delisting 2002: [additional details or confirmation from personal communication with Linda Bacon, ME DEP, 4/28/03]
ME0101000303	Black L	124 1666	Blooms	"No longer supporting repeated nuisance blooms." [Data from '98, '99, '00, '01 indicate attainment.]
ME0101000412	Hanson Brook L	140 9767	Blooms	"No longer supporting repeated nuisance blooms." [Data from '98, '99 '00, '01 indicate attainment.]
ME 0102000511	Etna P	2274	Blooms	"High color responsible for low transparencies." [Impairment from natural causes; huge wetland on east side of lake; no range in SDTs.]

ME 0103000105	Fitzgerald P	269	Blooms	“Discharge removed; no longer supports repeat blooms.” [Attains.]
ME 0103000309	Pattee P	5458	Blooms	“No longer supporting repeated nuisance blooms.” [Bloomed 75% years from late ‘70s to early ‘80s; only one problem year (‘98) in 12 years of data since ‘86. Potential cause of improvement is shift away from agriculture in watershed.]
ME 0103000310	Fairbanks P	5296	Blooms	“No longer supporting repeated nuisance blooms.” [Data from ‘98, ‘99 indicate attainment; SDTs 4.9, 5.3 compared to <3.3 prior to ‘94; potential cause of improvement in tiny kettle pond with limited development may be use of phosphate-free detergents.]
ME 0105000306	West Harbor P	5372	DO	“Salt water intrusion causing low DO.” [Impairment from natural causes. Culvert from natural area backs up during high tides; resulting density differences interfere with mixing.]
ME 0106000303	Scituate P	5596	Blooms	“High color responsible for low transparencies.” [Impairment from natural causes. High color (73, 80, 95) occur with tight range of SDTs indicate color is the cause of impairment.]
ME 0106000304	Ell (L) P	119	Blooms	“No longer supporting repeated nuisance blooms.” [Data from ‘85, ‘87, ‘97, ‘98, ‘99, ‘00 indicate attainment; no record of bloom since ‘84.]

Waters Delisted to Category 4-A:

(TMDL is complete but insufficient new data to determine that attainment has been achieved.)

The following 11 waterbodies are off-ramped to category 4-A with approved TMDLs (as of 9/30/02).

Waterbody ID	State/Waterbody	Source	303(d) list Pollutants 1998	TMDL pollutant	Final Approved
140R03	Presque Isle Str.	ps & nps	Nutrients	BOD, NH3, TP	APPROVED 08/22/00
152R03	Meduxnekeag R	ps & nps	Nutrients	TP	APPROVED 03/08/01
609R	Presumpscot R.	ps	BOD, SOD, color	BOD, TSS	APPROVED 11/30/98
628R	Mousam River	ps & nps	Toxics, TP	BOD, NH3, TP, Ag, As, Se, Cu, Pb, Zn, Al	APPROVED 03/08/01
630R	Salmon Falls R.*	ps & nps	BOD,TSS, nutrients, toxics	BOD, NH3, TP	APPROVED 11/22/99
1802	Madawaska L.	nps	Blooms, Trend	TP	APPROVED 07/24/00
2264	Sebasticook L	nps	Blooms	TP	APPROVED 03/08/01
5236	Cobbossee Lake	nps	Blooms	TP	APPROVED 01/26/00
5349	East Pond	nps	Blooms	TP	APPROVED 10/09/01
5448	China Lake	nps	Blooms	TP	APPROVED 11/05/01
	Piscataqua R. Estuary	ps & nps	DO, SOD	BOD, NH3, TP	APPROVED 11/22/99

*Salmon Falls R (630R01) is also listed in Category 5 (page D-47) for dioxin; PCBs, and bacteria (1999 NH bacteria data).

Waters Delisted to Category 4-B - Rivers and Streams, Lakes, Estuaries & Marine

(Waterbodies for which other pollution control requirements are reasonably expected to result in the attainment of water quality standards in the near future.)

The following 21 waterbodies are off-ramped from the 1998 303(d) list to category 4-B (which also includes several new listings). In accordance with Maine's listing methodology for category 4-B waters, ME DEP has in place "other pollution control requirements reasonably expected to result in attainment of standards in the near future,... where enforceable controls (including new wastewater discharge licenses issued without preparation of a TMDL, other regulatory orders, contracts for nonpoint source implementation projects, regulatory orders or contracts for hazardous waste remediation projects) have reasonable expectation of attaining standards, but where no new data are available to determine that attainment has been achieved." (Page A-11 listing methodology in 2002 listing report.)

Dioxin: 16 river segments are delisted from the 1998 303(d) list to category 4-B. These waterbodies were listed in 1998 for PCB's and dioxins and the impaired use in 2002 is "fish consumption". Maine's "dioxin law" provides an enforceable control, with a statutory deadline of December 31, 2003 for attainment of water quality standards. "Under 38 MRSA §420, the dioxin standards for "bleach kraft pulp mill(s)" are self-executing. After 12/31/02 a "mill may not discharge dioxin into its receiving waters."" (E-mail from Jon Edwards, ME AG's Office, 5/1/03.) DEP assumes and EPA concurs that the cessation of discharges will result in water quality standard attainment over time. Preliminary fish tissue data for 2002 are showing low levels of dioxin, indicating improvement [personal communication with David Courtemanch, ME DEP, 6/19/03].

Superfund sites: Three waterbodies are delisted from the 1998 303(d) list to category 4-B.

Little Madawaska and tributaries, Greenlaw Stream: Loring AFB superfund site (Caribou, ME) has ROD (May 1997) which is enforced by a federal facilities agreement for soil & sediment cleanup which expected to "adequately reduce risks associated with surface water"[p. D-1 ROD]; clean-up levels for PCBs protect human health and ecological risk with multi-year monitoring program for fish, sediment, ambient WQ. The State confirms that cleanup planning was based on meeting water quality standards [personal communication with David Courtemanch, ME DEP, 6/19/03]. Clean-up done in '98-'99; evidence of continued bioaccumulation in odonates. State fish advisory "will remain in effect until the fish are determined to be acceptable for consumption. Areas covered by the advisory include Chapman Pit, Green Pond, Greenlaw Bk, and the LMR and its tributaries from Madawaska Dam Reservoir south to the Aroostook R." [Pages D-4, D-19, May 1997 ROD for OU13.] (Aroostook Band of Micmacs involved in area.) [Mike Daly, EPA RPM (617-918-1386) 4/25/03] Data indicate no surface water quality or sediment problem; fish tissue levels are declining (showing a downward trend; attainment is expected in 5-10 years as the older fish to die). [personal communication with Naji Akladiass, ME DEP, 1/8/04].

Dennys R.: Stream water quality shows no chemical exceedences, sediment contaminant levels are low. [personal communication with Becky Hewett, ME DEP on 1/8/04] The basis for aquatic life (macroinvertebrate) non-attainment of Class A standards below the highway bridge at the Eastern Surplus Co. superfund site (Meddybemps, ME) is thought by ME DEP to be the result of short-term land disturbance during site remediation efforts, as well as some potential influence from contaminated groundwater. Attainment is expected once the work is done (both in-stream site work, and interception of groundwater contamination from extraction wells between the plume and the river). [personal communication with David Courtemanch, ME DEP, 12/16/03].

E. Br. Sebasticook R: The toxics thought by ME DEP to be the cause of aquatic life (macroinvertebrate) impairment in the listed segment were from the WWTP in Corinna, ME (also site of the Eastern Woolen Mill superfund site). The WWTP discharge is now going to a land treatment system (source removed from river), and new monitoring data are expected to show attainment. [Dave Courtemanch, ME DEP, 12/16/03]

Estes Lake: One lake is delisted from the 1998 303(d) list to category 4-B. This lake was listed in 1998 for blooms caused by a point source discharge. The significant source of phosphorus was Sanford's WWTP. Sanford's new ME NPDES license sets a water quality-based limit which requires a treatment upgrade to reduce phosphorus loading to the lake in accordance with the Mousam River TMDL approved by EPA 3/8/03). ME DEP anticipates attainment of water quality standards.

New listings: Five waterbodies are listed in category 4-B that were **not** 303(d) listed in 1998. The specific reasons for listing in 4-B are varied, but all are consistent with Maine's listing methodology and with 40 CFR 130.7(b)(1): sources have been controlled, ME DEP has reasonable expectation of attaining water quality standards, but needs new data to determine attainment prior to placing in category 1 or 2. Dates of expected attainment are provided.

HUC	ME ID	Waterbody Name	Listing cause 98 / impaired use 02	Enforceable Control Now in Place - specifically applicable to impairment	When standards are expected to be met
Multiple:	16 river segments	See Cat. 4-B in 2002 list for (multiple) listings for: Penobscot R (3) Kennebec R (4) Merrymeeting Bay Androscoggin R (8)	1a: PCBs & dioxins / fishing (consumption)	"Dioxin license limits" in [38 MRSA §420. Compliance is measured by (1) no detection of dioxin in any internal waste stream (at 10 pg/l detection limit), (2) no detection in fish tissue sampled below a mill's outfall greater than upstream reference."	December 31, 2003

ME0101000413	145R01	Little Madawaska River and tributaries	1a: PCBs / fishing (consumption)	“Haz waste remediation project (Superfund)” [see documentation above]	2009
ME0101000413	145R02	Greenlaw Stream	1a: PCBs / fishing (consumption)	“Haz waste remediation project (Superfund)” [see documentation above]	2009
ME0103000308	325R01	E. Br. Sebasticook R.	Aquatic life/ fishing (consumption)	“Haz waste remediation project (Superfund). CSO removal. New permit.” [Toxics from WWTP; discharge now going to land treatment.]	2003
ME0105000201	507R01	Dennys R.	Aquatic life/ fishing (consumption)	“Haz waste remediation project (Superfund)” [see documentation above]	2004
ME0104000207	412R02*	House/Lively Brook	* / aquatic life	“Waste (manure) removal (Agric NPS) by Consent Order and Site Permit” [waste site bordering brook; source removal is complete; monitoring needed.]	2004
ME0106000302	7	Estes Lake	Blooms - ps /	“Treatment upgrade” [New permit for Sanford, ME WWTP, based on Mousam River TMDL approved by EPA 3/8/01.]	2005

	64 acres	Ogunquit R. [estuary]*	* / DO, ps	“Moved outfall out of estuary.”	2004
	320 acres	Goosefare Brook* (estuary portion)	* / DO, ps	“Moved outfall out of estuary; draft TMDL on freshwater brook” (which remains listed in category 5; see 612R01).	2004
	1920 acres	St. George*	* / DO, ps	“New license issued based on modeling.” [New permit for WWTPs based on modeling WLAs.]	2004

*Note: New listings; these waterbodies were not 303(d) listed in 1998.

Waters Delisted to Category 4-C: Rivers and Streams, Lakes, Estuarine and Marine Waters

(Impairment not caused by a pollutant. Waters impaired by habitat modification.)

Five rivers and streams, and ten lakes are off-ramped from the 1998 303(d) list to category 4-C, in accordance with Maine’s listing methodology for waters impaired by habitat modification, not by pollutant (page A-11). Six new river and streams and one estuary (New Meadows) are also included on the list of waterbodies with impairment not caused by a pollutant. The causes for river and stream impairments include water diversions/withdrawal, flow modified hydropower, and impounded water; the cause for all lake impairments is “aquatic life/drawdown”, and all the lakes were listed in 1998 for “habitat” (instead of the usual blooms or DO cause for lake impairment); the cause for the new estuary listing is “partial impoundment” effect on dissolved oxygen.

HUC	SEGID	SEG NAME	Prior listing cause/source 1998 303(d)list	Proposed listing 2002 303(d) list
ME0102000109	205R	West Branch Penobscot R...	TARZ WELS - BOD/SOD Millinocket - habitat	Flow modified for hydropower-diversion [Most of impoundment attains. Low DO found in dips or holes with poor mixing; impairment due to topographic barrier not pollutant. (Personal communication Dave Courtemanch, ME DEP 5/6/03)]
ME0103000204	311R	Dead R...	Aq. Life, pending hydro WQC	Flow modified for hydropower
ME0103000306	338R	Kennebec R...	Aq. Life	Impounded water
ME0105000304	527R01	Damariscotta R...	Habitat, pending hydro WQC	Flow modified for hydropower
ME010600203	613R01	Wards Brook (Fryeburg)	DO/nps	Impounded water [Small brook with low flow problems from prior saw mill dam that creates stagnant water; no pollutant loadings from point or nonpoint sources; habitat issue. (Personal communication Dave Courtemanch, ME DEP 5/6/03)]
ME0101000408	1654	Squapan Lake	Habitat	Aq. Life: drawdown
ME0102000102	2516	Canada Falls L	“	“
ME0102000102	4048	Seboomook L	“	“
ME0102000104	4012	Caucomgomoc L	“	“
ME010200105	2936	Ragged L	“	“
ME0103000104	4120	Brassaua L	“	“

ME0103000203	38	Flagstaff L	“	“
ME0104000101	3308	Richardson L	“	“
ME0104000103	3290	Aziscohos L	“	“
ME0105000212	4350	Graham L	“	“

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